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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,618	08/02/2001	Igor Kharitonenko	CR1028AC	5273
22917	7590	09/20/2005	EXAMINER	
MOTOROLA, INC. 1303 EAST ALGONQUIN ROAD IL01/3RD SCHAUMBURG, IL 60196			DANG, DUY M	
			ART UNIT	PAPER NUMBER
			2621	

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/890,618

Applicant(s)

KHARITONENKO, IGOR

Examiner

Duy M. Dang

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 and 36-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 14-18, 36-46 and 49-53 is/are rejected.
- 7) ☒ Claim(s) 12, 13, 47 and 48 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Applicant's amendment filed 11/3/04 to cancel claims 19-35 and 54-65 has been entered and made of record.
2. Applicant's election of claims 1-18 and 36-53 in the reply filed on 11/3/04 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement with regard to the species election, the election has been treated as an election without traverse (MPEP § 818.03(a)).
3. In response to Applicant's submission filed 8/2/01, item 11 of FORM PTO-1390 indicated there was an Information Disclose Statement (IDS) attached. However, such IDS has not been received or recorded in the file. Applicant is advised to resubmitted such IDS.
4. Figures 1-2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-11, 14-18, 36-46, and 49-53 are rejected under 35 U.S.C. 102(a) as being anticipated by Applicant's Admitted Prior Art [Figures 1-2. Referred as the APA hereinafter].

Regarding claim 1, the APA teaches method of providing an extension to at least one end of a signal [see figure 2], the extension being formed by the steps of: defining a point at the at least one end of the signal [see first and second symmetry axis 16 and 17 which do include the so called "point"]; determining a length of the signal starting from the defined point [see signal samples denoted at "X[1], X[2], X[3,...X[6]]" in figure 2. Note that: (1)the distance from each signal sample X[1,2,3] to signal sample X[0] or (2)the high of each supplement sample x[1,2,3] qualifies as the so called "length"]; and duplicating the determined length in a point symmetric fashion about the defined point so as to provide an extension of the signal beyond the at least one end [see figure 2 and page 5 lines 25-28 of the instant disclosure: note that each of supplemental samples x[1,2,3] is a symmetrical sample of the signal sample X[1,2,3]. Likewise, this analogy is also applied to supplement samples x[4,5,6] and signal samples X[4,5,6] with regard to symmetric axis X[7]. These supplement samples server as the extension to both ends of the signal X[0,1,2...7] as shown in figure 2].

The APA further teaches signal extension is provided at both ends of the signal as required by claim 2 [see rejection applied to claim 1 above]; signal includes image data set [see signal X[n] shown at 1 of figure 1].

Claims 4, 36, and 39 are also rejected for the same reasons as set forth in claim 1 above.

Regarding claims 14, 18, 37-38, and 49-50, these claims are also rejected for the same reasons as set forth in claims 2-3 above.

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The advanced statements as applied to claim 1 above are incorporated herein. With regard to claims 5-11, 15-17, 40-46, and 51-53, the APA further teaches these claimed features [see figures 1-2].

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3, 18, 38, and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art [Figures 1-2. Referred as the APA hereinafter].

The advanced statements with regard the APA as applied to claims 1-2 above are incorporated herein. Regarding claim 3, the APA does not disclose that signal includes speech or acoustic data set. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use either speech or acoustic data set as a signal. Applicant has not disclosed that signal including speech or acoustic data set provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either the signal taught by the APA or the claimed signal including speech or acoustic data set. Therefore, it would have been obvious to one of ordinary skill in this art to modify the APA by using speech or acoustic data set as a signal in order to meet particular application or need based on designer preference.

Regarding claim 18, 38, and 50, these claims are also rejected for the same reason as set forth in claim 3 above.

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9. Claims 12-13, and 47-48 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bradley [USPN 5,710,835] and Soloff [USPN 5,381,354] are examples of the same field of endeavor.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duy M. Dang whose telephone number is 571-272-7389. The examiner can normally be reached on Monday to Friday from 5:30AM to 2:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Mancuso can be reached on 571-272-7695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

dmd  
9/05



Duy M. Dang  
Patent Examiner